

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification (see remarks section B infra).
2. Thank the Examiner for the allowance of claims 40-43.
3. Add new claim 45 which is supported, e.g., by ¶[0030] *et seq* of applicant's published patent specification.
4. Add new independent claim 46, which resembles allowed claim 40 but includes a shared resources manager in lieu of various means of claim 40, as supported, e.g., by ¶[0079] of applicant's published patent specification.
5. Apprise the Examiner of submission of replacement drawings for Fig. 1 and Fig. 11.
6. Apprise the examiner of the filing of a replacement drawing sheet for inserting legends in Fig. 1 and Fig. 11.
7. Respectfully traverse all prior art rejections.
8. Respectfully request a one month extension of time.

B. SPECIFICATION AMENDMENTS

Enumerated paragraph 6 of the office action includes a curious reference to a "Substitute Specification filed on 07/23/2009". In actuality applicants did not file a "Substitute Specification" on 07/23/2009, but rather made individual specification amendments in the context of an amendment responsive to an office action.

In telephone discussion today with the Examiner, the undersigned learned that the Examiner did not enter the 07/23/2009 specification amendments and that the Examiner wanted the 07/23/2009 specification amendments to be repeated in the instant amendment. Therefore, the present amendments to the specification include the

07/23/2009 specification amendments as well as two additional amendments (a first additional amendment concerning page 24, line 30, and continuing to page 24, line 31; and a second additional amendment concerning page 20, line 22, and continuing to page 20, line 31. Applicants state that neither the specification amendments made on 07/23/2009, nor the specification amendments made herein, constitute new matter. It is therefore respectfully requested all specification amendments as specified herein be entered.

C. SELECTED COMMENTS CONCERNING APPLICANTS' DISCLOSURE

In one of its aspects the technology described in the specification concerns a communication system and method for managing resources thereof, the resources being shared by at least two operators. Upon reception of an access request, the system/method (1) executes a first determination whether there are sufficient amount of free resources available in the communication system; (2) executes a second determination whether a total amount of said resources shared by at least two operators in use in the communication system exceeds a first threshold; and (3) executes a third determination whether a total amount of said resources shared by at least two operators in use for the first operator exceeds a second threshold. A decision on accepting the access request is based on the results of the first, second and third determinations.

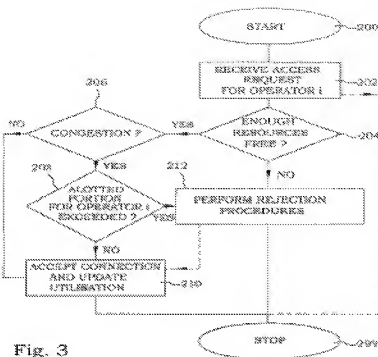


Fig. 3

D. PRIOR ART REJECTIONS

Claims 22-36, 39 and 44 stand rejected under 35 USC §103(a) as being unpatentable over EP 1220557 to Cecile in view of U.S. Publication 2004/0219912 to Johansson et al. Claims 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over EP 1220557 to Cecile and U.S. Publication 2004/0219912 to Johansson et al as applied to claims above, and further in view of U.S. Patent 6,922,564 to Witana. All prior art rejections are respectfully traversed for at least the following reasons.

E. PATENTABILITY OF THE CLAIMS

It seems that Applicants and the US Patent Office are agreed regarding the deficiency of EP 1220557 to Cecile as not showing the claimed third determination. Office Action at page 6, second full paragraph. The claimed third determination

comprises determining whether a total amount of said resources shared by at least two operators in use for the first operator exceeds a second threshold.

The office action attempts to rehabilitate Cecile by combining Cecile with U.S. Publication 2004/0219912 to Johansson et al. The office action alleges that U.S. Publication 2004/0219912 to Johansson teaches the claimed third determination, and that it would be obvious to combine Cecile and U.S. Publication 2004/0219912 to Johansson et al. Office Action at page 6, last full paragraph.

The office action particularly cites ¶¶[0035]-[0037] of Johansson. In Johansson, operators first use their dedicated networks, but thereafter can share a shared network. Johansson strives to provide certain operator specific capacity reports from elements in the shared network to elements in the dedicated networks and to use this information for load control and prioritization in the shared network (see ¶[0031]). Johansson ¶[0035] describes admitting operators at different loads values of the shared network (although not describing a relation of the loads of the plural operators). Johansson ¶[0036] mentions that “the actual load can be measured per sharing operator in each cell” and that “the fraction of the load used by each operator” can be signalled.

Contrary to the allegations of the office action, Applicants submit that U.S. Publication 2004/0219912 to Johansson does not teach or suggest the third paragraph limitation of independent claim 22. Johansson does state that “the idea with sharing load reports... is to take current cell load into account in load and service based handovers (see, e.g., Johansson ¶[0033]). But Johansson’s criteria for admission is that “operators are admitted below a certain load threshold. For instance, one operator can be admitted only at a low load whereas another is admitted as long s the cell is not overloaded” (see, e.g., Johansson ¶[0035]). Johansson’s sole criteria for admission appears to be the amount of loading in the cell, with operators being admitted or denied based on the cell loading per se. The fact that Johansson additionally reports a fraction of the load used by

each operator (see, e.g., Johansson ¶[0037]) does not mean that Johansson has any other criteria for admission other another cell loading per se.

Moreover, the reporting of a fraction of load used by each operator may be totally irrelevant to an agreed proportion of resources. In Applicants' technology the second threshold involved in the third determination is related to an agreed proportion of resources shared by the at least two operators for use by the first operator. A reported fraction of load at a point in time is merely a report of an instantaneous occurrence and the actual reported fraction is merely an observation, not a criteria. Thus a reported fraction is different from an agreed proportion of resources which forms criteria for load control.

New dependent claim 45 specifies that the second threshold is related to an agreed proportion of resources shared by the at least two operators for use by the first operator. New dependent claim 45 is supported by, e.g., ¶[0030] of applicant's published patent specification. For reasons explained above Applicants believe that new dependent claim 45 patentably defines over the applied references.

F. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./

H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100